

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

ALFREDO GARCIA,

Defendant.

20-cr-00449 (JLR)

**ORDER**

JENNIFER L. ROCHON, United States District Judge:

On July 28, 2021, Alfredo Garcia (“Defendant”) was sentenced principally to a term of imprisonment of seventy (70) months following his plea of guilty to charges relating to conspiracy to distribute and possess with intent to distribute fentanyl in violation of 21 U.S.C. §§ 846, 841(b)(1)(c) and false statement in application for a passport in violation of 18 U.S.C. § 1542. The Defendant’s sentencing guidelines range was 70 to 87 months’ imprisonment, based on an offense level of 27 and a criminal history category of I. The Bureau of Prisons currently projects that the Defendant will be released from prison on April 4, 2025.

Effective November 1, 2023, in its Amendment 821, the United States Sentencing Commission (“Sentencing Commission”) amended the United States Sentencing Guidelines Manual in two respects. Part A amends Guidelines § 4A1.1, by reducing from two (2) points to one (1) point the upward adjustment for offenders who committed the instant offense while under any criminal sentence, and by limiting this adjustment to defendants who received seven (7) or more criminal history points. Part B, in the part relevant here, amends Guidelines § 4C1.1, by providing a 2-level offense level reduction for offenders with zero (0) criminal history points who meet specified eligibility criteria. The Sentencing Commission made these

amendments retroactive effective November 1, 2023. Defendants whose requests are granted by the courts can be released from prison no earlier than February 1, 2024.

Defendant filed a *pro se* motion for reduction in his sentence on December 4, 2023. ECF No. 31. The Probation Department issued a report on February 5, 2024 indicating its determination that Defendant is eligible for a reduction. ECF No. 34.

The Government filed a letter on February 7, 2024 stating that it does not object to granting the defendant's motion for a reduction of sentence based on Amendment 821. ECF No. 35.

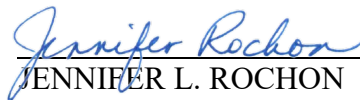
Pursuant to the standing order of the Chief Judge of this District, Clay Kaminsky of the Federal Defender's Office is appointed to represent the Defendant in this Court's consideration of the request for a sentencing reduction in light of Amendment 821.

IT IS ORDERED that Defendant shall file a submission regarding his position on a recommended sentence to be imposed no later than **February 28, 2024**.

The Court's intention, unless it orders otherwise, is to resolve this motion based on the parties' written submissions.

Dated: February 7, 2024  
New York, New York

SO ORDERED.

  
JENNIFER L. ROCHON  
United States District Judge